

## ATTORNEY DOCKET NO. 22841-018 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
NICOLSON et al.	) Customer No.: 20277
	Confirmation No.: 6172
Serial No.: 09/640,526	) )  Group Art Unit:  1714
	Examiner: Edward Cain
	)

FOR: EXTENDED WEAR OPHTHALMIC LENS

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is directed to the cited reference(s) listed on the attached PTO-1449. The cited references are believed to be the most relevant known to Applicants and/or Assignee at this time concerning the invention as claimed in the above-captioned patent application. No representation is made or intended that more relevant information does not exist or that the order of presentation of the information in any way reflects their relative pertinence.

Applicant(s) respectfully request(s) that each of the cited information be expressly considered during the prosecution of this application and that the cited reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of each reference is attached.

- [] 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. Thus, no certification or fee is required.
- [X] 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
  - [] a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

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- I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- [X] c. Please charge the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) petition(s) that the Information Disclosure Statement be considered. Please charge Deposit Account No. 50-0417 in the amount of \$180.00 for payment of the petition fee. Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
  - [] a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - [] b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Please grant any extension of time deemed necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees associated with this communication to Deposit Account No. 50-0417. A duplicate copy of this communication is attached.

By:

Respectfully submitted,

McDERMOTT, WILL & EMERY

Kenneth L. Cage

Registration No. 26,15

Date: ## 44 6,2607

600 13th Street, N.W., Suite 1200 Washington, D.C. 20005-3096

Telephone: 202-756-8000 Facsimile: 202-756-8087

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INFORMATION DISCLOSURE  CITATION IN AN  APPLICATION				ATTY. DOCKET NO. 22841-018 SERIAL NO. 09/640,526					
MAY 0 6 2004	- Jee			APPLICANT Paul NICOLSON, et al.					
TRADEMARK		(PTO-1449)		FILING DATE August 17, 2000					
			U.S. PATEN	NT DOCUMENTS					
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code2 (# known)	Publication Date MM-DD-YYYY	Document Relevant Pass			les, Columns, Lines, Where evant Passages or Relevant Figures Appear		
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EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes -Number 4 -Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Colum Where Rel Figures Ap	evant	l ran	slation	
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INITIALS	CITE NO.	journal, serial, symposium, cata published.	alog, etc.), date, pa	age(s), volume-issue number(s), p	ublisher, city and	d/or country	where		
	Α	Another and Bausch and Lomb	(Australia) Pty Ltd	erkel J. , Federal Court of Australia d., October 7, 2003, (Pages P-1 –	P-76).				
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	D			erkel J., Federal Court of Australia d. October 10, 2003, (Pages P-225		ion, Novartis	AG and		
	E	Another and Bausch and Lomb	(Australia) Pty Ltd	erkel J., Federal Court of Australia d. October 13, 2003, (Pages P-295	5 <b>–</b> P-359).				
	F	Another and Bausch and Lomb	(Australia) Pty Ltd	erkel J., Federal Court of Australia d. October 14, 2003, (Pages P-360	) – P-422).				
	G	Another and Bausch and Lomb	(Australia) Pty Ltd	erkel J., Federal Court of Australia d. October 15, 2003, (Pages P-422	2 – P-484).				
	Н	Another and Bausch and Lomb	(Australia) Pty Ltd	erkel J., Federal Court of Australia d. October 16, 2003, (Pages P-485	5 – P-563).				
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	К	Another and Bausch and Lomb	(Australia) Pty Ltd	erkel J., Federal Court of Australia d. October 21, 2003, (Pages P-679	) -P-750), (page	s P1- P5).			
	L	Spark and Cannon, Transcript Another and Bausch and Lomb	of Proceedings, M o (Australia) Pty Ltd	erkel J., Federal Court of Australia d. October 22, 2003, (Pages P-75	, Hearing & Mot i – P-822).	tion, Novartis	AG and		
		EXAMINER			DATE CONSID	ERED			

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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MAY 0 6 2004	<u>ال</u>	PPI	ICATION		APPLICANT Paul NICOL SON 6	t al				
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	N	Spar Anot	k and Cannon, Transcript on the combination of the	of Proceedings, Me (Australia) Pty Ltd	erkel J., Federal Court of Australia I. October 24, 2003, (Pages P-896	, Hearing & Mo 5 – 968).	ion Novarti	is AG and		
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	Р				Transcript of Trial Before the Honeorgia, Atlanta Division, Volume I,					
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	R				Transcript of Trial Before the Honeorgia, Atlanta Division, Volume III					
	S	CIBA Distri	Vision Corporation v. Bat ict Court Judge for the Nor	usch & Lomb, Inc., them District of Ge	Transcript of Trial Before the Horeorgia, Atlanta Division, Volume IV	norable Richard	W. Story, t , March 19,	Jnited State: 2004.	5	
	Т				Transcript of Trial Before the Honeorgia, Atlanta Division, Volume V				i	
	U	CIB/	Vision Corporation v. Bau	sch & Lomb, Inc.,	Transcript of Trial Before the Honeorgia, Atlanta Division, Volume V	orable Richard	Ñ. Story, L	Inited States	;	
	V	CIBA	Vision Corporation v. Bau	isch & Lomb, Inc.,	Transcript of Trial Before the Honeorgia, Atlanta Division, Volume V	orable Richard	N. Story, U	Inited States		
	w	CIBA	Vision Corporation v. Bau	isch & Lomb, Inc.,	Transcript of Trial Before the Honeorgia, Atlanta Division, Volume V	orable Richard	N. Story, U	Inited States		
	Х	CIBA	Vision Corporation v. Bau	sch & Lomb, Inc.,	Transcript of Trial Before the Honeorgia, Atlanta Division, Volume D	orable Richard	N. Story, L	Inited States		
	Y	CIB/	Vision Corporation v. Bau	isch & Lomb, Inc.,	Transcript of Trial Before the Honeorgia, Atlanta Division, Volume X	orable Richard	N. Story, U	Inited States		
	Z	CIBA	Vision Corporation v. Bau	isch & Lomb, Inc.,	Transcript of Trial Before the Honeorgia, Atlanta Division, Volume X	orable Richard	N. Story, U	Inited States	)	
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INFORMATION DISCLOSURE CITATION IN AN APPLICATION				ATTY. DOCKET NO. 22841-018		RIAL NO <b>/640,526</b>		
MAY 0 8 2004 E			APPLICANT Paul NICOLSON, et al.					
PAN TRADEMAR		(PTO-1449)	FILING DATE August 17, 2000					
			U.S. PATEN	T DOCUMENTS				
EXAMINER'S INITIALS				Name of Patentee or Appli Document	Name of Patentee or Applicant of Cited Pages, Columns, Lines, Relevant Passages or R Figures Appear			es or Relevant
		US						
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			FOREIGN PA	TENT DOCUMENTS	<b>,_</b>			
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes -Number 4 -Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	nt Where Relevant Figures Appear			anslation No
	ļ <u>.</u>						Yes	NO
	L	OTHER A	T (Including Author	I or, Title, Date, Pertinent Pages, E	tc.)			
EXAMINER'S	<u> </u>	Include name of the author (in	CAPITAL LETTER	S), title of the article (when approp	oriate), title of t	he item (bo	ok, magazin	е,
INITIALS	CITE NO.	journal, serial, symposium, cata published.	alog, etc.), date, pa	ge(s), volume-issue number(s), p	ublisher, city a	nd/or counti	y where	
	AA	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	II, pp. 2201 – 2	404, April 1	, 2004.	
	BB	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	III, pp. 2405 - 2	2548, April 2	2, 2004.	
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	FF	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	VII, pp. 3205-	3432, April	20, 2004.	
	GG	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	VIII, pp. 3433 -	3626, April	21, 2004.	İ
	HH	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Honorgia, Atlanta Division, Volume X	IX pp. 3627 -	3865, April 2	22, 2004.	
	11	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	X, pp. 3866 - 4	072, April 2	3, 2004.	
	JJ	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	XI, pp. 4073 –	4303, April	26, 2004.	
	кк	District Court Judge for the Nor	rthern District of Ge	Transcript of Trial Before the Honergia, Atlanta Division, Volume X	XII, pp. 4304 -	4319, April	27, 2004.	
	LL	District Court Judge for the No	rthem District of Ge	Transcript of Trial Before the Hon orgia, Atlanta Division, Volume X	XIII, pp. 4320	- 4456, Apri	1 28, 2004.	
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			U.S. PATEN	NT DOCUMENTS					
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	MM	Opposition of European Patent	No. 0819258, No	vartis AG, et al. by Johnson & John	nson Vision Car	e, Inc., 10	June 2002		
	NN	PROCEEDINGS BEFORE THE	OPPOSITION D	•				RAL	
	00	Registry, APPLICATION to rev	oke Australian Pat	<i>is AG et al.</i> , In the Federal Court o tent No. 704749, pp. 1 – 3, 11 Sep	tember 2003				
	PP	Registry, PARTICULARS OF I	NVALIDITY, pp. 1						
	QQ	Registry, STATEMENT OF CL	AIM, pp. 1 – 2, 11	•					
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	ss	Johnson & Johnson (New Zeal RESPONDENTS' REPLY TO 1 LETTERS PATENT NO. 33497	THE APPLICANT'S	ovartis AG et al. In the High Court of S PARTICULARS OF OBJECTION anuary 2004	of New Zealand I AS TO VALID	Wellington ITY OF NE	Registry, W ZEALANI	D	
	TT	NOTICE OF APPLICATION BY 2003	/ APPLICANT FO	ovartis AG et al. In the High Court of R DIRECTIONS REGARDING TH	E PROCEEDIN	G, pp. 1 – 2	2, 28 Octobe	er _	
	UU	PARTICULARS OF OBJECTION October 2003	N ÀS TO VALIDI	ovartis AG et al. In the High Court of TY OF NEW ZEALAND LETTERS	PATENT NO. 3	334977, pp.	. 1 – 10, 28		
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	XX	Bausch & Lomb's 1994 Annual							
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	ZZ			Notebook, September 7-10, 1994			_		
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10 5 10	INFORMATION DISCLOSURE CITATION IN AN APPLICATION PART & TRACE. (PTO-1449)				ATTY. DOCKET NO. 22841-018 SERIAL NO. 09/640,526					
WAY O & You	PH OFF			APPLICANT Paul NICOLSON, et al.						
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	ВВВ	Novartis AG et al. v. Bausch & RESPONDENT/CROSS-CLAIN August 2003	Lomb (Australia) P MANTS' SUBMISSI	ty. Ltd. et al., In the Federal Cour ONS IN OPPOSITION TO AMEN	t of Australi IDMENT, N	ia Victoria Distri lo. V81 of 2000	ict Registry, , pp. 1 - 19,	22		
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	111			ty. Ltd. et al., In the Federal Cour f 2000, pp. 1 – 12, 5 December		ia Victoria Distri	ict Registry,			
	KKK			ty. Ltd. et al., In the Federal Cour 1 of 2000, pp. 1 – 27, 19 Novem		ia Victoria Distri	ict Registry,	/		
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.